



AB 1520 – Guardians for Animal Trusts

SUMMARY

This legislation would add to existing law governing the administration of trusts established for the care of an animal after the owner has passed— Probate Code 15212.

BACKGROUND

AB 1520 is a product of Assemblyman Gatto’s legislative crowdsourcing experiment whereby a “wiki” page was opened for engaged citizens to suggest legislation and engage in virtual discussions on how to improve such suggestions. It was decided to limit the experiment to suggestions for legislation to improve the Probate Code. Through the collective wisdom of the participants, it was decided to make a clarification to the existing statute that governs the establishment and administration of trusts established for pets—Probate Code 15212.

While pets are often classified as property, to many owners, pets are as much a part of the family as an individual—they are companions. As such, many owners, when beginning the estate planning process, opt to create a “pet trust” for their pets to ensure proper care should they succumb to disability or pass away. The pet trust is recognized as a legally-sanctioned document that covers the care and maintenance of the pet, and it ensures the owner can have peace of mind during this fragile time in life. Often times, the trust includes an amount of money that is left for the care of the animal.

If estate planning and the establishment of the pet trust ensue correctly, the pet owner will identify a pet guardian—either an individual or an organization—that is responsible for executing the owner’s instructions or distribution of funds left to the pet. Unfortunately, individuals often fail to identify the pet guardian, leaving animals—and the property tied to them—subject to uncertainty.

The measure would simply allow for the appointment of a guardian ad litem in a court proceeding that involves a trust created for the benefit of that animal, if a judge deems it necessary. AB 1520 will ensure that animals that have been provided for by their owners will be cared for as was intended before the owner’s passing on.

SUPPORT:

The Humane Society of the United States

STATUS:

To be heard in Senate Judiciary Committee

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